

**Bradley Beach Planning Board
Reorganization and Regular Meeting Minutes
Thursday, January 23, 2020 at 6:30 PM**

Meeting is called to order by Chair Psiuk. The Board and the public recite the Pledge of Allegiance. Open public meeting announcement is made by the Board Secretary.

Roll Call:

Present: Alan Gubitosi, Meredith DeMarco, Marc Rosenthal, Robert Mehnert, Douglas Jung, Mayor Gary Engelstad, George Waterman, Rafael Albanir, and William Psiuk

Absent: Amy Russo

Also Present: Monica Kowalski, Esq. – Attorney to the Board and Gerald Freda, PE – Board Engineer

RE-ORGANIZATION PORTION:

Mayor Engelstad, George Waterman, Alan Gubitosi, Marc Rosenthal, and Rafael Albanir are all sworn in by Monica Kowalski, Esq.

Appointment of Officers and Professionals for 2020:

CHAIRMAN – Rafael Albanir offers the name of William Psiuk, seconded by Marc Rosenthal. All members present are in favor.

VICE CHAIRMAN – William Psiuk offers the name of Rafael Albanir, seconded by Douglas Jung. All members present are in favor.

BOARD SECRETARY – William Psiuk offers the name of Kristie Dickert, seconded by Meredith DeMarco. All members present are in favor.

William Psiuk makes a motion to extend the current term for the positions of Board Attorney, Monica Kowalski, Esq.; Board Engineer, Gerald Freda, PE of Leon S. Avakian, Inc.; and Board Planner, Jennifer C. Beahm of Leon S. Avakian, Inc. until such time the Planning Board has bylaws set in place, seconded by Marc Rosenthal. All members present are in favor.

NEWSPAPERS FOR PUBLICATION OF LEGAL NOTICES – William Psiuk offers the Asbury Park Press, Coast Star, and The Coaster, seconded by Marc Rosenthal. All members present in favor.

SCHEDULE OF 2020 PLANNING BOARD REGULAR MEETINGS – William Psiuk offers a motion to adopt and memorialize, seconded by Douglas Jung. All members present in favor.

With no further reorganization business before the Board, Chair Psiuk makes a motion to adjourn the Reorganization Meeting and to open the Regular Meeting at 6:37 PM, seconded by Alan Gubitosi. All members present in favor.

REGULAR MEETING OPENS AT 6:37 PM:

Meeting is called to order by Chair Psiuk. The Board and the public recite the Pledge of Allegiance. Open public meeting announcement is made by the Board Secretary.

Roll Call:

Present: Alan Gubitosi, Meredith DeMarco, Marc Rosenthal, Robert Mehnert, Douglas Jung, Mayor Gary Engelstad, George Waterman, Rafael Albanir, and William Psiuk

Absent: Amy Russo

Also Present: Monica Kowalski, Esq. – Attorney to the Board

Gerald Freda, PE is excused from this regular meeting as there are no applications under consideration. He thanks the Board for their consideration in extending his term as Board Engineer.

Approval of Minutes:

Regular Meetings of November 14, 2019 – Motion to adopt made by Chair Psiuk and seconded by Alan Gubitosi. All eligible members present in favor.

Resolutions Memorialized: None.

Applications Under Consideration: None.

Work Session:

The Board conducted their third review and discussion of the revised draft bylaws created/prepared by the Subcommittee appointed by the Planning Board and redrafted by Monica Kowalski, Esq.

Monica Kowalski, Esq. summarizes what has changed in this current draft. Idea tonight is to make sure you are satisfied with the layout and wording. Expects within 1-2 meetings away from being able to recommend final bylaws to the Council. Once settled, we had talked about the letter for new Board Members.

Chair Psiuk questions Application & Hearing portion 2:1-1 “Such notification shall be in writing (via letter or email, if an email address has been provided) and shall set forth the reasons that the application is incomplete within the forty-five (45) day period, the application shall be deemed complete.” Thinks that today’s day and age that we should send both just to cover ourselves? Monica said the Court has addressed that and we can send both; however, if you have sent documentation via email and have confirmed delivery it is acceptable. Kristie Dickert indicates it is currently sent both ways. Chair Psiuk would like to add that we will send both with a read receipt for the e-mail.

Chair Psiuk also questions 2:1-3 – “At least ten (10) days prior...” Is that enough time? Monica indicates it is statutory. We have no discretion over that.

Alan Gubitosi questions 2:2-3 – where do we present our professionals per Meredith DeMarco it is covered in letter (h) – Ok

Robert Mehnert questions 2:2-3 – is there a time limit? If an objector is represented by an attorney, the attorney would not have a time limit; however, if talking public comment/questioning you can limit that. Chair would like to institute a 5 minute cap and this will need to be enforced with a timer.

Mayor Engelstad - 1:3-8 is there a requirement to establish criteria for executive session? Can insert reasons permitting executive sessions. A typo is pointed out in 1.3-8 and 1.3-9 it should be a colon after the #1 instead of a period.

Chair Psiuk asks if we had covered whether somebody submits a letter with their comments – Monica indicates it is absolutely not allowed per the Rules of Evidence.

Alan Gubitosi questions 2:3-3 – Voting should we include recusals? Monica will cross reference Section 4 regarding conflicts to ensure it is included.

Highlight on Page 21 was just a reminder for Monica to go back and look through that again.

Chair Psiuk – looking for subcommittee boards – It is indicated it is in Section 5:2-1 – ok

Alan Gubitosi – Where does an informal meeting fit in? Monica indicates will look at parameters for informal meeting. We did have the discussion that would be better for a Technical Review between the Applicants and the Board Professionals as they are more familiar with the Ordinances and what relief is going to be required with the proposal. Monica indicates she would prefer to have a Technical Review first to come up with a Concept Plan to present to the Planning Board. Monica will add this language regarding the parameters and procedure.

Marc Rosenthal – 4:3-7 – you can expand upon the reason for disqualification or conflict, but reason not required.

Chair Psiuk – Under Standing Committee – Should we indicate the maximum number of Board members is three (3) – not necessary 3 is statute per Monica.

A brief discussion takes place with regard to what constitutes a quorum and too many members. The rule of thumb is no more than 3. However, at a Council Meeting, there are exclusions those are typically social gatherings and seated apart at a public meeting and not sitting next to each other whispering. If you are attending class together and it is a learning environment, it is not to discuss applications; therefore, that would qualify as exclusion.

Doug Jung – 1:3-7 Rules Violations – Monica indicates the language was unenforceable it is done by applicant or objector and they will appeal – your own members you would go back to the local government ethics law and it has its own set of standards – no reason to be in bylaws.

Chair Psiuk – Years ago I was told Chair needs to attend Council Meetings to answer questions – Monica indicates that is a Council thing and it does not belong in here.

**NEXT SCHEDULED MEETING WILL BE OUR REGULAR MEETING ON THURSDAY, FEBRUARY 27, 2020 AT 6:30 PM HERE IN THE MUNICIPAL COMPLEX MEETING ROOM. WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN THE REGULAR MEETING WAS OFFERED BY CHAIR PSIUK, MOVED AND SECONDED BY ROBERT MEHNERT, ALL IN FAVOR. MEETING CLOSED AT 7:12 PM.
Minutes submitted by Kristie Dickert, Board Secretary**